

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.
COUNSELLORS AT LAW

CHARLES C. CARELLA
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

DONALD F. MICELI
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
LINDSEY H. TAYLOR
CAROLINE F. BARTLETT
ZACHARY S. BOWER+
DONALD A. ECKLUND
CHRISTOPHER H. WESTRICK*
STEPHEN R. DANEK
MICHAEL A. INNES
MEGAN A. NATALE

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

PETER G. STEWART
FRANCIS C. HAND
JAMES A. O'BRIEN, III
JOHN G. ESMERADO
STEVEN G. TYSON
MATTHEW J. CERES
MARC D. MORY

RAYMOND J. LILLIE
GREGORY G. MAROTTA
KEVIN G. COOPER
MARYSSA P. GEIST
JORDAN M. STEELE**
ZACHARY A. JACOBS***
MICHAEL K. BELOSTOCK
BRIAN F. O'TOOLE**
SEAN M. KILEY
MICHAEL B. SIMONE
ROBERT J. VASQUEZ

OF COUNSEL

*CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY
+MEMBER FL BAR ONLY
**MEMBER NY BAR ONLY
***MEMBER IL BAR ONLY

December 6, 2022

VIA ECF

Hon. John Michael Vazquez, U.S.D.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse
2 Federal Square
Newark, NJ 07102

Re: *United States of America, et al., ex rel. Laurie Simpson v. Bayer Corp., et al.*,
2:05-3895 (JMV)(LDW)

Dear Judge Vazquez:

Attached please find a proposed order, pursuant to Federal Rule of Civil Procedure 41 and 31 U.S.C. § 3730(b)(1), dismissing this Action with prejudice as to Relator, the United States and the Medicaid Participating States with regard to Relator's claims against Bayer for the Covered Conduct as defined in the Settlement Agreement. This proposed order supersedes that entered by this Court on November 16, which was executed by the Relator and Defendants before the consent to dismissal of the United States, and therefore does not reflect that consent. As this proposed order of dismissal indicates, the United States (including on behalf of the Medicaid Participating States) has now consented to this dismissal, pursuant to 31 U.S.C. § 3730(b)(1).

This proposed dismissal order excludes Relator's claims for reasonable attorneys' fees, expenses and costs pursuant to 31 U.S.C. § 3730(d)(2), and addresses the filing of fee motions pursuant to Local Rule 54.2 and 31 U.S.C. § 3730(d)(2). In Your Honor's November 16, 2022, Order, upon consent of the parties, it was determined that any motions for fees, costs and expenses be filed no later than 30 days following the later entry of the order of dismissal entered by this Court and the United States District Court for the District of Minnesota in the matter of *United States ex rel. Simpson v. Bayer et al.*, 08-cv-5758 (D. Minn.)(MJD/ECW). Relator and Bayer have subsequently met and conferred and, upon consent, respectfully request that the date for filing of fee motions now be set as January 6, 2023. This date is similarly being presented to Honorable Michael J. Davis, United States District Judge for the District of Minnesota, with the intent that the filing of fee motions be coordinated on the same schedule for these two matters, both for present and any prior counsel who intends on so moving.

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If this Order is satisfactory to the Court, please execute and file it at the Court's earliest convenience. Of course, if Your Honor has any questions or concerns about this matter, please do not hesitate to contact me. Thank you for your kind consideration.

Respectfully Submitted,

CARELLA BYRNE CECCHI
BRODY & AGNELLO, P.C.

/s/ James E. Cecchi
James E. Cecchi